

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

BRANDON RICHARDSON,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 2:14-CV-00464
	§	
BRAD LIVINGSTON, <i>et al</i> ,	§	
	§	
Defendants.	§	

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DISMISS CERTAIN CLAIMS AND TO RETAIN CASE**

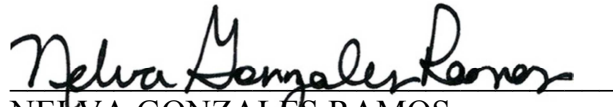
On March 2, 2015, United States Magistrate Judge B. Janice Ellington issued her “Memorandum and Recommendation to Dismiss Certain Claims and to Retain Case” (D.E. 8). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 8), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Plaintiff’s claims

against the TDCJ and the supervisory Defendants are **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted and/or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1). The Court **RETAINS** Plaintiff's excessive force claims against Captain Hunt, Lieutenant Salinas, Sergeant Trevino, Sergeant Delute, Officer Valdez, and Officer Bunch, and **ORDERS** that service be ordered on these Defendants in their individual capacities. Finally, the Court **RETAINS** Plaintiff's claims against Nurse Campos and Nurse Moreno in their individual capacities and **ORDERS** that service be affected on these Defendants.

ORDERED this 6th day of April, 2015.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE